



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,866	12/21/2001	Tomoyuki Ohno	35. C16051	4678
5514	7590	08/01/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			JONES III, CLYDE H	
			ART UNIT	PAPER NUMBER
			2623	
DATE MAILED: 08/01/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/023,866	Applicant(s) OHNO ET AL.	
	Examiner Clyde H. Jones III	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-23 in the 5/22/2006 Remarks on pages 11-12 have been considered but are moot in view of the new ground(s) of rejection.

Regarding the applicants argument that Ellis fails to teach or suggest identification information and/or that identification information is sent to identify the STB within a household, the examiner respectfully disagrees. Ellis teaches identification information disclosed as STB name/location/coordination in par. 214, lines 12-17; par. 217, lines 1-4; par. 220, lines 4-8; par. 191; par. 87, lines 1-5. Ellis further teaches it is desirable to identify the multiple television equipments the user has access to in order to control specific receivers, e.g., for controlling which receiver records a program, or has a parental lock enabled. Ellis even further teaches the program guide control information is sent with user equipment identification information, i.e., recipient identification which is inherent in SMTP (electronic mail messaging from a sender to a specific/addressed receiver/sub-group of receivers) protocol; par. 106.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

Art Unit: 2623

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al. (US 2005/0028208 A1).

Ellis teaches a remote program guide access system (fig. 1) in which a remote program guide access device 24 (an external terminal) is enabled to access program guide functions for controlling a local program guide implemented on user television equipment(s) (broadcast receivers, e.g., STB(s) located in a users home; 22- fig. 2B/fig. 29).

Regarding claims 1, 2, 12, 13 Ellis teaches a broadcast receiver (and corresponding method) (user television equipment 22 – fig. 2b, 6a, 6c) comprising:

a receiving unit adapted to receive a broadcast signal in response to a request from an external terminal (remote program guide access device 24) capable of communicating with the broadcast receiver, the broadcast signal being a transport stream (MPEG video consumed as it is received; par. 84, lines 8-9) as generated by multiplexing (sending a plurality of information/data through a communication link) management data (program guide management data, i.e., data used to manage the television equipment, e.g. EPG, user input commands, etc) with video data and audio data, the management data including at least identification information (disclosed as STB name/location/coordination information; par. 214, lines 12-17; par. 217, lines 1-4; par. 220, lines 4-8; par. 191; par. 87, lines 1-5; in which Ellis teaches it is desirable to

Art Unit: 2623

identify the multiple television equipments the user has access to in order to control specific receivers, e.g., for controlling which receiver records a program, or has a parental lock enabled) for identifying the broadcast receiver and control information (program guide information, such as request, commands, listings data, and/or coordination information, etc.) for controlling the broadcast receiver with (which receives the) video data and audio data (Ellis teaches user equipment 22 receives program guide settings/information commands and request from access device 24, in which the commands are sent to the user equipment through the television distribution facility 16 (fig. 2b, 6a, 6c)/communication link 20 sends the multiplexed TV (audio/video) broadcast signal; par. 68, lines 4-15; par. 69, lines 3-11; par. 70, lines 5-8; par. 72, lines 6-15; par. 80, lines 2-4; par. 88, lines 3-11; par. 98, lines 1-11; par. 99; par. 101, lines 15-29; par. 102, lines 11-12; par. 103 & par. 105, lines 1-4; par. 104, lines 1-4; par. 110; par. 111, lines 6-11; par. 189, lines 1-6; Ellis teaches designation/coordination information which identifies the user equipment/STB to apply the commands to, i.e., the identified STB within a household; par. 87, par. 98, lines 1-11; par. 191, lines 1-3; par. 210; par. 214, lines 12-17; par. 217, lines 1-4; par. 218; par. 220, lines 4-8; Ellis further teaches the program guide control information is sent with user equipment identification information, i.e., recipient identification which is inherent in SMTP (electronic mail messaging from a sender to a specific/addressed receiver/sub-group of receivers) protocol; par. 106);

a communication unit adapted to communicate with the external terminal
(communication link 20, distribution facility 16 are used to communicate with

Art Unit: 2623

communication device 37 – fig. 3; par. 103, lines 6-9; par. 105, lines 1-3; par. 111, lines 6-11; par. 86, lines 1-3);

an extraction unit adapted to extract the control information (interactive program guide profile, screen, poll/status, and/or reminder information) from the management data, which is acquired in demultiplexing the received broadcast signal (par. 80, 90, 26 – fig. 3; Ellis teaches a user request poll/command is sent to the identified user equipment 22 from the remote access device 24, and the command data that is inherently extracted/demultiplexed from the signal 20 by the demodulating/receiving circuitry of the terminal 22 in order to access the real-time data streams, (inter alia) causes, i.e., controls by function, the access device 24 to display program guide information generated at the terminal 22, according to user set filtering controls; par. 126, lines 4-9; par. 137; par. 204; par. 214, lines 12-17; par. 217, lines 1-4; par. 220; par. 125, lines 1-3; par. 130, lines 8-16; par. 136, lines 1-5; par. 160, par. 172, lines 2-6);

a generating unit adapted to generate information data for transmitting to the external terminal (the communication unit of 22 generates communication data for transmission to remote device 24), in accordance with the control information extracted by the extraction unit (the command data that is extracted from the signal 20 (inter alia) causes, i.e., controls by function, the access device 24 to display program guide information generated at the terminal 22, according to user set filtering controls; par. 126, lines 4-9; par. 137; par. 204; par. 214, lines 12-17; par. 217, lines 1-4; par. 220;

Art Unit: 2623

par. 125, lines 1-3; par. 130, lines 8-16; par. 136, lines 1-5; par. 160, par. 172, lines 2-6); and

a control unit adapted to control (control circuitry 42 – fig. 4) to make the communication unit transmit the information data (the control circuitry controls the equipment 22 to transmit the requested information data, e.g., EPG, profile data, status information, etc., to the remote device 24; col. 111, lines 6-11; col. 88, lines 3-7; par. 102, lines 11-12; par. 103, line 6-par. 104, line 2).

Regarding claims 2 and 13, Ellis teaches generating display data for displaying on display means of the external terminal, in accordance with the control information, wherein the information data contains the display data it

Regarding claims 3 and 14, Ellis teaches the display data is data for displaying an operation assistance screen for assisting an operation (program guide web page, menu, listing, settings screen, etc.) of the external terminal (fig. 17-20; fig. 38; par. 101, lines 15-17; par. 115; par. 117; par. 122; par. 127; par. 130; par. 134; par. 137, lines 7-14; par. 154).

Regarding claims 4 and 15, Ellis teaches the operation assistance screen assists at least one operation of a record operation and a record reservation operation (Ellis' accessing program record scheduling functions reads on both; fig. 19, par. 163) and a viewing reservation (program reminder or PPV reservation) operation of video and

Art Unit: 2623

audio data (television programming includes audio) of a program received by the broadcast receiver (fig. 16, par. 155; fig. 20; par. 165), an operation of obtaining program information data (listings information) and data broadcast data of the program (additional information related to the listings, e.g., text, graphics, video), (fig. 15; par. 103; par. 15, lines 1-6; par. 154; 310-fig. 7; 310-fig. 8), and a record operation of the data broadcast data of the program (par. 83, lines 1-3; par. 163; par. 219).

Regarding claim 5 and 16, Ellis teaches

an initial screen setting unit adapted to set information for structuring an initial screen (Ellis teaches access device 24 obtains the user profile/favorites information which was previously setup at startup; 1900, 1910 – fig. 18; par. 160-165, line 3; par. 126; par. 191, lines -18); and

a storage unit adapted to store the initial screen setting information set by the initial screen setting unit (Ellis teaches profile/favorites data is stored; par. 161, lines 3-4; par. 101, lines 26-27; par. 110; lines 3-4),

wherein if the control information is initial screen transmission command information, the extraction unit extracts the initial screen setting information from the storage unit, the generating unit generates the display data in accordance with the initial screen setting information, and the control unit controls to transmit the display data to the external terminal (Ellis teaches retrieving and displaying the program information on the access device 24 at start-up and the user equipment 22 generates the program

Art Unit: 2623

guide display data and transmits it to 24; par. 161, lines 10-14; 1925 & 1930-fig. 18; par. 162, lines 1-7; par. 110, lines 1-16; par. 109; par. 160).

Regarding claims 6 and 17, Ellis discloses the broadcast signal contains program information data (program guide data) and the control information is command information for transmitting the program information data to the external terminal (Ellis discloses television distribution (broadcast) facility 16 transmits program guide data to user equipment 22 and access device 24 sends appropriate commands/request to 22 for transmitting the program guide data to 24; par. 68, line 8-par. 69; par. 72, lines 6-12; par. 80, lines 2-4; par. 88, lines 3-9; par. 98, lines 1-11; par. 99; par. 103; par. 107; par. 108, lines 1-3; par. 109; par. 110, lines 1-16; par. 111, lines 6-9).

Regarding claims 7 and 18, Ellis teaches the program information data is data regarding an electronic program guide EPG and contains information such as a channel name, a program name, a broadcast day and time, and information regarding program contents (categories or additional information regarding information contained in the program) (fig. 7, par. 111, line 6-par. 113).

Regarding claims 8 and 19, Ellis teaches the broadcast signal contains data broadcast data (additional information related to the listings, e.g., text, graphics, video), and the control information is command information for transmitting the data broadcast

Art Unit: 2623

data to the external terminal (par. 115, lines 1-6; par. 103; par. 154; 310-fig. 7; 310-fig. 8).

Regarding claims 9 and 20, Ellis teaches the control unit controls to make said communication unit transmit the information data regarding the information data to the external terminal at a predetermined time (par. 72, par. 110, lines 1-16; par. 108, lines 1-6; par. 111, lines 6-11).

Regarding claims 10 and 21, Ellis teaches the external terminal is a portable terminal capable of mobile communications (par. 92, lines 3-10).

Regarding claims 11 and 22, Ellis teaches the control unit further controls an operation of the broadcast receiver in accordance with the control information (par. 107), and controls at least one operation of a record operation and a record reservation operation (Ellis' accessing program record scheduling functions reads on both; fig. 19, par. 163) and a viewing reservation (program reminder or PPV reservation) operation of video and audio data (television programming includes audio) of a program received by the broadcast receiver (fig. 16, par. 155; fig. 20; par. 165), an operation of obtaining program information data (listings information) and data broadcast data of the program (additional information related to the listings, e.g., text, graphics, video), (fig. 15; par. 103; par. 15, lines 1-6; par. 154; 310-fig. 7; 310-fig. 8), and a record operation of the data broadcast data of the program (par. 83, lines 1-3; par. 163; par. 219).

Regarding claim 23, it is rejected the similar to claim 10/1 as discussed above.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-5946. The examiner can normally be reached on 9-5:30 p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Note to Applicant

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

CJ



CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600